

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DATA CLOUD TECHNOLOGIES, LLC,
Plaintiff,
v.
WPENGINE, INC.,
Defendant.

Civil Action No. 6:22-cv-00786-ADA-DTG

CASE READINESS STATUS REPORT

Plaintiff DataCloud Technologies, LLC (“Plaintiff”) and Defendant WPEngine, Inc. (“Defendant”) (collectively, the “Parties”) hereby provide the following status report.

FILING AND EXTENSIONS

Plaintiff’s Complaint was filed on July 15, 2022 and served on July 21, 2022 (*see* Dkt. 6). Defendant has received an extension of 30 days (*see* Dkt. 7) and a second extension of 15 days (*see* Dkt. 8) to respond to the Complaint.

RESPONSE TO THE COMPLAINT

Defendant filed its Answer to the Complaint on September 27, 2022 which asserted no counterclaims (*see* Dkt. 9).

PENDING MOTIONS

There are no pending motions. Defendant expects to move to transfer the case to the Austin Division. Plaintiff may be moving to amend the complaint to add additional patents.

RELATED CASES IN THIS JUDICIAL DISTRICT

There are no CRSR-Related Cases, and there are no other cases pending in this Court that assert claims of infringement of the Patents-in-Suit.

IPR, CBM, AND OTHER PGR FILINGS

There are no known IPR, CBM, or other PGR filings.

NUMBER OF ASSERTED PATENTS AND CLAIMS

Plaintiff has asserted four patents and a total of four claims in its Complaint. The asserted patents are:

	U.S. Patent No.	Title
1.	7,209,959	Apparatus, System, And Method For Communicating To A Network Through A Virtual Domain Providing Anonymity To A Client Communicating On The Network
2.	7,398,298	Remote Access And Retrieval Of Electronic Files
3.	8,615,555	Remote Access And Retrieval Of Electronic Files
4.	8,762,498	Apparatus, System, And Method For Communicating To A Network Through A Virtual Domain

Plaintiff anticipates that it will assert 80 or fewer claims in this litigation.

APPOINTMENT OF TECHNICAL ADVISER

The parties do not request a technical adviser to be appointed to the case to assist the Court with claim construction or other technical issues.

MEET AND CONFER STATUS

Plaintiff and Defendant met and conferred. The parties have no pre-*Markman* issues to raise at the CMC.

Dated: October 4, 2022

Respectfully submitted,

/s/ James F. McDonough, III

ROZIER HARDT McDONOUGH PLLC

James F. McDonough, III (Bar No. 117088, GA)*

Jonathan R. Miller (Bar No. 507179, GA)*

Travis E. Lynch (Bar No. 162373, GA)*

3621 Vinings Slope, Suite 4300

Atlanta, Georgia 30339

Telephone: (470) 480-9505, -9517, -9514

Email: jim@rhmtrial.com

Email: miller@rhmtrial.com

Email: lynch@rhmtrial.com

ROZIER HARDT McDONOUGH PLLC

Jonathan L. Hardt (TX 24039906)*

712 W. 14th Street, Suite C

Austin, Texas 78701

Telephone: (210) 289-7541

Email: hardt@rhmtrial.com

ROZIER HARDT McDONOUGH PLLC

C. Matthew Rozier (CO 46854)**

2590 Walnut Street, Suite 10

Denver, Colorado 80205

Telephone: (720) 820-3006

Email: matt@rhmtrial.com

ATTORNEYS FOR PLAINTIFF *DataCloud Technologies, LLC*

* admitted to the Western District of Texas

** admission to the Western District of Texas anticipated

Dated: October 4, 2022

Respectfully submitted,

/s/ Patrick Colsher #

SHEARMAN & STERLING LLP

David P. Whittlesey*

300 West 6th Street, 22nd Floor

Austin, Texas 78701

Telephone: (512) 647-1907

Facsimile: (512) 857-6602

Email: David.Whittlesey@Shearman.com

SHEARMAN & STERLING LLP

Patrick Colsher***

1460 El Camino Real, 2nd Floor

Menlo Park, California 94025

Telephone: (650) 838-3728

Email: Patrick.Colsher@Shearman.com

ATTORNEYS FOR DEFENDANT *WPEngine, Inc.*

* admitted to the Western District of Texas

*** admitted *pro hac vice*

e-signed with express permission

CERTIFICATE OF CONFERENCE

I certify that the undersigned counsel conferred with counsel for Defendant by email on October 4, 2022 to discuss the topics above.

/s/ Jonathan R. Miller
Jonathan R. Miller

CERTIFICATE OF SERVICE

I hereby certify that on this date a true copy of the above document was filed using this Court's ECF System which caused it to be served by electronic mail upon the attorneys of record.

Dated: October 4, 2022

/s/ James F. McDonough, III
James F. McDonough, III